

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1062-AIR-E **TCEQ ID:** RN102488517 **CASE NO.:** 34147
RESPONDENT NAME: Exxon Mobil Corporation

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: King Ranch Gas Plant, located 7.5 miles north of Premont on Highway 281, then 3.2 miles east, Kleberg County</p> <p>TYPE OF OPERATION: Natural gas production</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 12, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Audra L. Ruble, Enforcement Division, Enforcement Team 4, MC R-14, (361) 825-3126; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Ed M. Shipp, Regulatory, Safety & OIMS Manager, Exxon Mobil Corporation, P.O. Box 4358, Houston, Texas 77210-4358 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: March 19, 2007</p> <p>Date of NOE Relating to this Case: May 31, 2007 (NOE)</p> <p>Background Facts: This was a routine record review for compliance with the air program. Two significant program violations were observed.</p> <p>AIR</p> <p>1) Failure to comply with permitted emission limits. Specifically, Boiler Nos. 4 and 5 exceeded the rolling tons per year (tpy) emission limits for nitrogen oxide (NOx), volatile organic compounds (VOC), and particulate matter (PM10). The emissions for Boiler No. 4 were 36.94 tpy of NOx, 1.96 tpy of PM10, and 1.42 tpy of VOCs for the period December 3, 2005 to April 15, 2007. The emissions for Boiler No. 5 were 24.44 tpy of NOx, 1.72 tpy of PM10, and 1.25 tpy of VOCs for the period September 19, 2005 to December 21, 2006. The permit limits are 17.5, 0.5, and 0.4 tpy for each boiler, respectively [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Air Permit No. 73319, Special Condition No. 1; General Operating Permit No. 568, Condition (b)(7)(B); and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to include all instances of deviations in the deviation report for the six-month period of February 1, 2006 through July 31, 2006. Specifically, the emission rate exceedance of Air Permit No. 73319 for Boiler Nos. 4 and 5 was not reported during the appropriate reporting period [30 TEX. ADMIN. CODE § 122.145(2)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$24,522</p> <p>Total Deferred: \$4,904 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$19,618</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Exxon shutdown Boiler Nos. 4 and 5 in April 2007, after the permit exceedances were discovered and submitted notification of the deviations on February 23, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement procedures to ensure that Boiler Nos. 4 and 5 meet permitted emission limits; or</p> <p>ii. Notify the Commission in writing that Boiler Nos. 4 and 5 will no longer be in use.</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public.</p>

Additional ID No(s): KJ0003N



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	4-Jun-2007	Screening	5-Jul-2007	EPA Due	28-Jan-2008
	PCW	9-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Exxon Mobil Corporation				
Reg. Ent. Ref. No.	RN102488517				
Facility/Site Region	14-Corpus Christi		Major/Minor Source	Major	

CASE INFORMATION

Enf./Case ID No.		34147		No. of Violations		2	
Docket No.		2007-1062-AIR-E		Order Type		1660	
Media Program(s)		Air		Enf. Coordinator		Audra L. Ruble	
Multi-Media				EC's Team		EnforcementTeam 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000			

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$20,100**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **22% Enhancement** **Subtotals 2, 3, & 7** **\$4,422**

Notes The Respondent has received one 1660 Order and one previous NOV for non-similar violations.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith effort criteria.

0% Enhancement* **Subtotal 6** **\$0**
 Total EB Amounts \$204
 Approx. Cost of Compliance \$2,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$24,522**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$24,522**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$24,522**

DEFERRAL

20% Reduction **Adjustment** **-\$4,904**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$19,618

Screening Date 5-Jul-2007

Docket No. 2007-1062-AIR-E

PCW

Respondent Exxon Mobil Corporation

Policy Revision 2 (September 2002)

Case ID No. 34147

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102488517

Media [Statute] Air

Enf. Coordinator Audra L. Ruble

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent has received one 1660 Order and one previous NOV for non-similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 5-Jul-2007	Docket No. 2007-1062-AIR-E	PCW
Respondent Exxon Mobil Corporation	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34147	<small>PCW Revision June 26, 2007</small>	
Reg. Ent. Reference No. RN102488517		
Media [Statute] Air		
Enf. Coordinator Audra L. Ruble		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code §§ 116.115(c) and 122.143(4); Air Permit No. 73319, Special Condition No. 1; General Operating Permit No. 568, Condition (b)(7)(B); Tex. Health & Safety Code § 382.085(b)	
Violation Description	<p>Failed to comply with the emission limits of Air Permit No. 73319, as documented during a record review conducted on March 19, 2007. Specifically, Boiler Nos. 4 and 5 exceeded the rolling tons per year (tpy) emission limits for NOx, VOC, and PM10. The emissions for Boiler No. 4 were 36.94 tpy of NOx, 1.96 tpy of PM10, and 1.42 tpy of VOCs for the period December 3, 2005 to April 15, 2007. The emissions for Boiler No. 5 were 24.44 tpy of NOx, 1.72 tpy of PM10, and 1.25 tpy of VOCs for the period September 19, 2005 to December 21, 2006. The permit limits are 17.5, 0.5, and 0.4 tpy for each boiler, respectively.</p>	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Percent <input style="width: 50px;" type="text" value="50%"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

		Falsification		Major	Moderate	Minor	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
		Percent <input style="width: 50px;" type="text" value="0%"/>					

Matrix Notes

Human health and/or the environment have been exposed to a significant amount of pollutants which do not exceed protective levels.

Adjustment

Violation Events

Number of Violation Events <input style="width: 50px;" type="text" value="4"/>	<input style="width: 50px;" type="text" value="573"/>	Number of violation days
--	---	--------------------------

		daily		
<small>mark only one with an x</small>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Violation Base Penalty

Four annual events are recommended (two each per boiler).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 100px;" type="text" value="\$178"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$24,400"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$24,400"/>	

Economic Benefit Worksheet

Respondent Exxon Mobil Corporation

Case ID No. 34147

Reg. Ent. Reference No. RN102488517

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
------------------	------------------------------	---------------	------------	-----	----------------	----------------	-----------

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	19-Sep-2005	31-Jan-2008	2.4	\$178	n/a	\$178

Notes for DELAYED costs

Estimated cost to implement procedures designed to ensure boilers are operated within permitted limits. Date Required is the first date of noncompliance. Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$178

Screening Date 5-Jul-2007		Docket No. 2007-1062-AIR-E		PCW	
Respondent Exxon Mobil Corporation		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34147		<small>PCW Revision June 26, 2007</small>			
Reg. Ent. Reference No. RN102488517					
Media [Statute] Air					
Enf. Coordinator Audra L. Ruble					
Violation Number <input type="text" value="2"/>					
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 122.145(2)(A) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description		<input type="text" value="Failed to include all instances of deviations in the deviation report for the six-month period of February 1, 2006 through July 31, 2006, as documented during a record review conducted on March 19, 2007. Specifically, the emission rate exceedance of Air Permit No. 73319 for Boiler Nos. 4 and 5 was not reported during the appropriate reporting period."/>			
		Base Penalty		<input type="text" value="\$10,000"/>	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>

>> Programmatic Matrix

OR	Falsification				
	Major	Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>		
	<input type="text"/>	<input type="text"/>	<input type="text"/>		
					Percent <input type="text" value="1%"/>

Matrix Notes	<input type="text" value="Less than 30% of the reporting requirement was not met."/>
---------------------	--

Adjustment	<input type="text" value="\$9,900"/>
-------------------	--------------------------------------

	<input type="text" value="\$100"/>
--	------------------------------------

Violation Events

Number of Violation Events	<input type="text" value="1"/>		Number of violation days	<input type="text" value="387"/>
-----------------------------------	--------------------------------	--	---------------------------------	----------------------------------

<small>mark only one with an x</small>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="x"/>	

	Violation Base Penalty <input type="text" value="\$100"/>
--	--

	<input type="text" value="One single event is recommended."/>
--	---

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$27"/>	Violation Final Penalty Total <input type="text" value="\$122"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$122"/>	

Economic Benefit Worksheet

Respondent: Exxon Mobil Corporation
Case ID No. 34147
Reg. Ent. Reference No. RN102488517
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	1-Feb-2006	23-Feb-2007	1.1	\$27	n/a	\$27
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit complete reports. Date Required is the start date of the original incomplete report and Final date is when compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$27

Compliance History

Customer/Respondent/Owner-Operator:	CN600123939	Exxon Mobil Corporation	Classification: AVERAGE	Rating: 2.79
Regulated Entity:	RN102488517	KING RANCH GAS PLANT	Classification: AVERAGE	Site Rating: 6.00
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	KJ0003N	
	AIR OPERATING PERMITS	PERMIT	568	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1370029	
	AIR NEW SOURCE PERMITS	PERMIT	23353	
	AIR NEW SOURCE PERMITS	PERMIT	48907	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	KJ0003N	
	AIR NEW SOURCE PERMITS	REGISTRATION	75910	
	AIR NEW SOURCE PERMITS	AFS NUM	4827300001	
	AIR NEW SOURCE PERMITS	REGISTRATION	72454	
	AIR NEW SOURCE PERMITS	REGISTRATION	72882	
	AIR NEW SOURCE PERMITS	PERMIT	73016	
	AIR NEW SOURCE PERMITS	PERMIT	73319	
	AIR NEW SOURCE PERMITS	REGISTRATION	77328	
	AIR NEW SOURCE PERMITS	REGISTRATION	82074	
	WATER LICENSING	LICENSE	1370029	
Location:	7.5MI N OF PREMONT ON HWY 281- THEN 3.2MI E Kleberg County, TX 78375		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	July 18, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 26, 2002 to June 26, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Audra Ruble Phone: 361-825-3126

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- | | | |
|-----|---|----------------------------|
| N/A | Effective Date: 12/05/2003 | ADMINORDER 2002-1276-AIR-E |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(C) | |
| | 5C THC Chapter 382, SubChapter A 382.085(b) | |
| | Rqmt Prov: Not specified PERMIT | |
| | Description: Failure to submit Federal Operating Permit semi annual deviation report no later than 30 days after the end of the reporting period. | |
- B. Any criminal convictions of the state of Texas and the federal government.
- N/A
- C. Chronic excessive emissions events.
- N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|------------------|
| 1 | 06/27/2002 | (IE0018510001001 |
| 2 | 04/02/2003 | (25217) |
| 3 | 04/30/2003 | (14115) |
| 4 | 06/11/2004 | (273305) |
| 5 | 08/25/2005 | (405112) |
| 6 | 08/30/2005 | (407108) |
| 7 | 02/10/2006 | (454771) |
| 8 | 05/09/2006 | (465084) |

9 12/20/2006 (518661)
10 05/30/2007 (560773)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/25/2005 (405112)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
30 TAC Chapter 122, SubChapter B 122.146(1)

Description: Failure to certify compliance for at least each twelve month period following initial permit issuance, Federal Operating Permit No. O-00568.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EXXON MOBIL CORPORATION
RN102488517**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1062-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Exxon Mobil Corporation ("Exxon") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Exxon appear before the Commission and together stipulate that:

1. Exxon owns and operates a natural gas production facility located 7.5 miles north of Premont on Highway 281, then 3.2 miles east, Kleberg County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Exxon agree that the Commission has jurisdiction to enter this Agreed Order, and that Exxon is subject to the Commission's jurisdiction.
4. Exxon received notice of the violations alleged in Section II ("Allegations") on or about June 5, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Exxon of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twenty-Four Thousand Five Hundred Twenty-Two Dollars (\$24,522) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Exxon has paid Nineteen Thousand Six Hundred Eighteen Dollars (\$19,618) of the administrative penalty and Four Thousand Nine Hundred Four Dollars (\$4,904) is deferred contingent upon Exxon's timely and satisfactory compliance with all the terms of this Agreed

Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Exxon fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Exxon to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Exxon have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Exxon shutdown Boiler Nos. 4 and 5 in April 2007, after the permit exceedances were discovered and submitted notification of the deviations on February 23, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Exxon has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Exxon is alleged to have:

1. Failed to comply with permitted emission limits, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4); Air Permit No. 73319, Special Condition No. 1; General Operating Permit No. 568, Condition (b)(7)(B); and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 19, 2007. Specifically, Boiler Nos. 4 and 5 exceeded the rolling tons per year ("tpy") emission limits for nitrogen oxide ("NO_x"), volatile organic compounds ("VOCs"), and particulate matter ("PM₁₀"). The emissions for Boiler No. 4 were 36.94 tpy of NO_x, 1.96 tpy of PM₁₀, and 1.42 tpy of VOCs for the period December 3, 2005 to April 15, 2007. The emissions for Boiler No. 5 were 24.44 tpy of NO_x, 1.72 tpy of PM₁₀, and 1.25 tpy of VOCs for the period September 19, 2005 to December 21, 2006. The permit limits are 17.5, 0.5, and 0.4 tpy for each boiler, respectively.
2. Failed to include all instances of deviations in the deviation report for the six-month period of February 1, 2006 through July 31, 2006, in violation of 30 TEX. ADMIN. CODE § 122.145(2)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on March 19, 2007. Specifically, the emission rate exceedance of Air Permit No. 73319 for Boiler Nos. 4 and 5 was not reported during the appropriate reporting period.

III. DENIALS

Exxon generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Exxon pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Exxon's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Exxon Mobil Corporation, Docket No. 2007-1062-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Exxon shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order,
 - i. Implement procedures to ensure that Boiler Nos. 4 and 5 meet permitted emission limits; or
 - ii. Notify the Commission in writing that Boiler Nos. 4 and 5 will no longer be in use.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

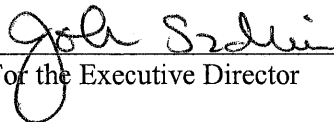
Air Section, Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon Exxon. Exxon is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Exxon fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Exxon's failure to comply is not a violation of this Agreed Order. Exxon shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Exxon shall notify the Executive Director within seven days after Exxon becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Exxon shall be made in writing to the Executive Director. Extensions are not effective until Exxon receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Exxon in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Exxon, or three days after the date on which the Commission mails notice of the Order to Exxon, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/3/2007

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

9/10/07

Date

Ed M. Shipp

Name (Printed or typed)
Authorized Representative of
Exxon Mobil Corporation

Regulatory, Safety & AIMS Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

